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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,974	12/29/2000	Hiroyo Masuda	FUJS 18.150	9067

7590 02/24/2005  
Katten Muchin Zavis Rosenman  
575 Madison Avenue  
New York, NY 10022-2585

EXAMINER
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LE, NHAN T

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/751,974

Applicant(s)

MASUDA ET AL.

Examiner

Nhan T Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 29 and 30 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-18 and 20-28 is/are allowed.
- 6) ☒ Claim(s) 1 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1, 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior art.

As to claims 1, 19, Applicant's admitted prior art teaches a mobile service switching center including (a1) a plurality of the first multi-call communication mode supporting terminals which are capable of supporting a plurality of calls at a time and (a2) a plurality of a single call communication mode supporting terminals which are capable of supporting only a single call at a time, the mobile service switching center (see page 3, lines 3-14) comprising determining section for determining whether a call request is a call from the first multi-call communication mode supporting terminal or from the single-call communication mode supporting terminal (see page 5, line 23- page 6, line 2); event detecting section for detecting event caused by a handover occurrence or fluctuation of congested state of a network, by reception of a handover requesting signal or an increase of a load representing the congested state of the network(see page 5, lines 6-16, lines 24-26); and call-number changing section for increasing ordecreasing to change the number of continuing calls of the first multi-call communication mode supporting terminal which is determined by the determining

section, when an event is detected by the event detecting section detects any event during the communication (see page 6, lines 3-13).

***Allowable Subject Matter***

Claims 2-18, 20-28 are allowed.

Claims 2-18, 20-28 are allowed as stated in the applicant's amendment in pages 18-19 on 10/12/2004.

***Response to Arguments***

Applicant's arguments filed 10/12/2004 have been fully considered but they are not persuasive.

Applicant argues that the AAPA does not mention the switching center side determines whether a call request is a call from the multi-call communication mode supporting terminal, or a call from a single-call communication mode supporting terminal. In addition, the AAPA does not teach that the event detecting section detects event caused by a handover occurrence or fluctuation of congested state. Examiner disagrees. The AAPA does mention the switching center side determines whether a call request is a call from the multi-call communication mode supporting terminal, or a call from a single-call communication mode supporting terminal (see page 3, lines 3-14) and teaches the event detecting section detects event caused by a handover occurrence or fluctuation of congested state (see page 5, lines 6-16, lines 24-26).

***Election/Restrictions***

Newly submitted claims 29-30 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claim 29 discloses a base station controller.

Claim 30 discloses a muticall communication mode support terminal.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 29-30 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 703-305-4538. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhan T. Le

  
2-15-2005

NGUYEN T. VO  
PRIMARY EXAMINER